

US Congressmen Introduce Bill to Prohibit US Courts from Recognizing Cuban Trademarks

The “No Stolen Trademarks Honored in America Act” would affect trademarks allegedly related to properties nationalized in Cuba after 1959.

By [Telesur](#)

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Senators Marco Rubio (R-FL) and **Bob Menendez** (D-NJ) presented a [bill](#) on Tuesday before the US Congress in which they seek to prohibit the official recognition and rights of Cuban trademarks in the United States.

The bipartisan and bicameral legislation, named “No Stolen Trademarks Honored in America Act”, would affect trademarks supposedly linked with nationalized properties after the triumph of the Cuban Revolution in January 1959. A companion bill was presented in the House of Representatives by the congressmen **Debbie Wasserman-Schultz** (D-FL) and **John Rutherford** (R-FL).

Its purpose is to prohibit US courts from “recognizing, enforcing or validating” any assertion of rights by an individual of a trademark that was used in connection with a business or assets that were nationalized by Cuba, unless “the original owner of the brand has expressly consented.”

[@SenatorMenendez](#) & I introduced the [#NoStolenTrademarksHonoredInAmericaAct](#). This bipartisan, bicameral bill prohibits U.S. courts from recognizing trademarks that were used in connection w/ a business or assets that were confiscated by the Cuban regime <https://t.co/Vw1zoNqR2q>

— Senator Rubio Press (@SenRubioPress) [March 12, 2019](#)

To illustrate the case, Rubio mentioned, in a press release, the legal battle between the Bacardi against Cuba for the rights of the Havana Club trademark. In 1993, Pernod Ricard S. A. and Cuba Ron S. A. launched a joint venture in charge of the production, marketing and commercialization of the Havana Club brand throughout the world.

As a response, Bacardi filed for the right to use Havana Club in the U.S., which was registered since 1974, through the commercialization of a rum produced in Puerto Rico. However, the U.S. Patent and Trademark Office ignored this claim and in 2016 designated the state company Cubaexport as the legitimate international representative of the renowned rum, dismissing Bacardi.

The proposed bill would prohibit the joint venture Pernod Ricard / Cuba Ron from using the rights related to Havana Club, as part of a series of measures to increase the economic assault against the island.

Rubio and Menendez' bill appears 23 years after the approval of the "Cuban Liberty and Democratic Solidarity Act", commonly known as Helms-Burton. The law was signed on March 12, 1996, in Bill Clinton's Administration, with the objective of affecting foreign investment to the island and accentuating the economic effects of the embargo.

On the infamous anniversary, the President of Cuba, **Miguel Diaz-Canel**, [pointed out](#) that the law is absurd and illegal, adding that "you can not legislate against the world, or ignore the sovereignty of each country. Cuba is an independent and sovereign nation that respects and demands respect. Imperialists learn at once: dignity is invincible #WeareCuba."

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